

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claim 5 has been amended, claims 1-4 have been previously canceled without prejudice or disclaimer for filing in a continuation application. Thus, claims 5 and 6 are currently pending in the application and subject to examination.

Informal Matters

In the Office Action mailed February 28, 2007, claims 5 and 6 were rejected under 35 U.S.C. § 112, first and second paragraphs. Claim 5 has been amended responsive to the rejections under 35 U.S.C. § 112. If any additional amendment is necessary to overcome the rejections, the Examiner is requested to contact the Applicant's undersigned representative.

Rejection Under 35 U.S.C. § 103

In the outstanding Office Action, claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Itakura et al, U.S. Patent No. 6,195,645 (hereinafter, "Itakura") in view of Watanabe (USP 6,363,354). It is noted that claim 5 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicant hereby traverses the rejection, as follows.

The Office Action alleges that the feature "one of the clients operates as a back-up server with regard to the rest of the plurality of clients when the at least one server goes down" of the original claim 5 of the present application is disclosed in Watanabe. However, Watanabe discloses that each client (POS apparatus) performs

predetermined processing such as “searching its own local PLU table to record the sale” (column 6 lines 22 to 32) or “causing the PLU data contained in those data to be reflected in the local PLU table” (column 8 lines 55 to 65) when the server (POS server apparatus) has failed.

In view of the above, Watanabe does not disclose or suggest that the at least one of the clients substitutes the server and performs particular processing with regard to the rest of the clients when the server goes down. Thus, the rejection appears to be based on impermissible hindsight reasoning using the Applicant’s disclosure as a template. Accordingly, the rejection is improper and withdrawal thereof is respectfully requested.

Claim 6 depends from claim 5. Thus, claim 6 is allowable for at least the same reasons as claim 5, as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejections.

Conclusion

For all of the above reasons, it is respectfully submitted that claims 5 and 6 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this

communication to Deposit Account No. 01-2300 referencing client matter number
024304-00000.

Respectfully submitted,

Arent Fox, LLP

A handwritten signature in black ink, appearing to read 'Michele L. Connell', written over a horizontal line.

Michele L. Connell
Registration No. 52,763

Customer No. 004372
1050 Connecticut Ave., N.W.
Suite 400
Washington, D.C. 20036-5339
Telephone No. (202) 857-6104
Facsimile No. (202) 857-6395

MLC:cdw